MINUTES
April 10, 2007

The State Board of Registration for Professional Engineers and Land Surveyors met on April 10, 2007, in Conference Room 102 at the office of the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia 31217.

BOARD MEMBERS PRESENT:

Doris I. Willmer, PE, Chairperson
Elmo A. Richardson, Jr., PE/LS, Vice-Chairman
James W. Butler, LS
Mark E. Chastain, LS
William W. Dean, PE
Guy F. Ritter, PE

BOARD MEMBERS ABSENT:
E. Charles Vickery, PE
Stephen R. Richards, PE
E. Scott Evans, Public Member

STAFF PRESENT:
J. Darren Mickler – Board Executive Director
Julie Busbee – Application Specialist/Board Secretary
Vivian Stephens –Application Specialist
Sharon Harrison – Investigative Assistant

ATTORNEY GENERAL REPRESENTATIVE:

Amelia Baker, Assistant Attorney General

GUESTS PRESENT:

Robert Armstrong, LS, former Board member, representing Surveying and Mapping Society of Georgia (SAMSOG)
Roger Purcell, Instructor, Middle Georgia College, representing Surveying and Mapping Society of Georgia (SAMSOG)
Betty Jean Jordan representing Georgia Society of Professional Engineers (GSPE)
John Sweitzer, PE, former Board member

Call to order:

At 9:30 am, Chairperson Willmer called the meeting to order and declared that a hearing was open for public comments and concerns regarding Board Rule 180-12-.02, Sealing of Documents.

Approval of Agenda:

Chairperson Willmer asked for any additions or deletions to the proposed agenda. Mr. Richardson moved to adopt the agenda as presented. Mr. Ritter seconded. Motion carried.

Approval of Minutes:

Chairperson Willmer presented a draft of the February 27, 2007 minutes and asked for any additions or deletions. Mr. Richardson moved to adopt the minutes as presented. Mr. Chastain seconded. Motion carried.

Professional Societies and Guests:

Ms. Willmer recognized the guests present: Robert Armstrong, LS representing SAMSOG; Roger Purcell, Instructor at Middle Georgia College and representing SAMSOG; Betty Jean Jordan representing Georgia Society of Professional Engineers (GSPE), and John Sweitzer, PE.

Adoption of Board Rule 180-12-.02:

At 9:40 AM, Mr. Richardson moved to close the public hearing regarding Board Rule 180-12-.02 and moved to adopt the rule as amended as follows:

~~***180-12-.02 Sealing of Documents:***~~
~~*(1) The term, "documents," as used herein shall mean engineering and/or land surveying work issued in the form of plans, drawings, maps, surveys, reports, specifications, design information, and calculations, including such work issued in digital form and including work in incomplete or preliminary form. This Rule shall not apply to recordable property plats governed under O.C.G.A. 15-6-67(b)(2)(E).*~~
~~*(2) The terms, "issue" or "issued" as used herein shall include any and all dissemination, publishing, and/or sending out of documents, paper copy or electronic form to any person for any purpose, by a registrant or by others under the registrants' supervision.*~~
~~*(3) The registrant shall seal and sign (with signature across the seal) all original final documents which are issued to a client or any public agency. The sealing of documents by the registrant shall certify that the work was performed by the registrant or under the direct supervisory control of the registrant on a daily basis. The date of sealing and signature shall be placed immediately under the seal and signature. All signatures, and dates of signatures, shall be handwritten.*~~
~~*(4) The registrant shall not issue an incomplete, preliminary, in-progress, or for-review document or any type unless such document displays the date of issue and a notation in bold lettering, such as "PRELIMINARY," "NOT FOR CONSTRUCTION," NOT TO BE RECORDED," or "FOR REVIEW ONLY," which clearly identifies the purpose for which the document is issued.*~~
~~*(5) Seals, signatures, dates, and/or other notations required by this Rule shall be placed on original documents such that the seal, signature, date and/or notations, will be reproduced when copies are made.*~~
~~*(6) Each drawing sheet, whether bound or unbound, shall be sealed and signed by each*~~

~~*registrant responsible for work on that sheet. When a document or drawing is sealed and signed by more than one registrant, the portion of the work for which each registrant is responsible shall be clearly noted.*~~
~~*(7) Computer generated seals may be used on final original documents provided that a handwritten signature in black ink is placed across the seal and the date is handwritten below the seal. Computer generated signatures and dates of signature are not acceptable.*~~
~~*(8) Documents that are electronically transmitted shall have any computer-generated seal removed from the original file prior to transmission. All electronically transmitted documents shall have displayed, in lieu of the seal, signature and date, the following statements, "The original of this document was sealed and signed by {registrant's printed*~~

180-12-.02 Sealing of Documents:

(1) *The term "documents" as used herein shall mean engineering and/or land surveying work issued in the form of plans, drawings, plats, maps, surveys, reports, specifications, design information, and calculations including such work issued in digital form.*
(2) *The term "issued" as used herein shall mean documents in the final form which bear the seal and signature of the registrant.*
(3) *The registrant shall seal and sign (with signature across the seal) all original final documents which are issued to a client or any public agency. The seal of documents by the registrant shall certify that the work was performed by the registrant or under the direct supervisory control of the registrant on a daily basis. For engineering documents, the date of signature shall be placed immediately under the seal and signature.*
(4) *No registrant shall issue an incomplete, preliminary, in-progress, or for-review document of any type unless such document displays the date of issue and a notation in bold lettering, such as* ***"preliminary", "not for construction", "not for recording purposes",*** *or* ***" for review only"****, which clearly identifies the purpose for which the document is issued.*
(5) *Seals, signatures, dates, and/or other notation required by this Rule, shall be placed on original documents such that the seal, signature, date, and/or notation, will be reproduced when copies are made. All dates and signatures shall be hand written.*
(6) *Documents containing more than one sheet shall be sealed and signed on the first or title page by all registrants responsible for the work therein. Each drawing sheet, whether bound or unbound, shall be sealed and signed by the registrant(s) responsible for the work on that sheet. If a document is sealed and signed by more than one registrant, the portion of the work for which each registrant is responsible shall be clearly noted.*
(7) *Each document that is sealed and signed by a registrant shall contain the name, address, and contact information of the firm or sole practitioner certifying the work.*
(8) *Documents that are electronically transmitted shall have the computer-generated seal removed from the original file. All electronically transmitted documents shall have displayed, in lieu of the seal, signature and date, the following statements: "The original of this document was sealed and signed by í* ***registrant's printed name and registration number****ý on í* ***date of signature****ý " and, "This reproduction is not a certified document".*

O.C.G.A. §§ 43-15-4(a), 43-15-6(a) and 43-15-22.

Mr. Dean seconded. Motion carried.

Mr. Richardson moved that the formulation and adoption of Board Rule 180-12-.02 does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-15-4(a) (Adoption of rules and regulations), O.C.G.A. § 43-15-6(a) (General Powers of the Board), O.C.G.A. § 43-15-8 (Engineer-in-training certificate;

eligibility), O.C.G.A. § 43-15-9 (Professional engineer certificate of registration; eligibility), O.C.G.A. § 43-15-10 (Evaluation of engineering experience), O.C.G.A § 43-15-11 (Professional Engineers exam), O.C.G.A. § 43-15-12 (Land Surveyor-In-Training Certificate; eligibility), O.C.G. A. § 43-15-13 (Land Surveyor Certification of Registration; eligibility), and O.C.G.A. § 43-15-15 (Applications for certificates) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the fields of engineering and land surveying. Mr. Dean seconded. Motion carried.

Old Business:

Task Force Reports:

Ms. Willmer reported that there has been no Task Force meeting. Future meetings will not be held until Secretary of State Handel speaks at the engineering conference at Callaway Gardens on June 15 and unveils her plans for the Professional Licensing Boards.

LS Minimum Technical Standards:

Mr. Chastain discussed revisions to the Land Surveyors Minimum Technical Standards. Mr. Richardson moved to post the changes to Board Rule 180-7-.01, 180-7-.02, 180-7-.03, 180-7-.04, 180-7-.05, 180-7-.07, 180-7-.08 and 180-7-.09. Mr. Dean seconded. Motion carried. Mr. Richardson moved to post Board Rule 180-7-.06. Mr. Dean seconded. Motion carried with Mr. Chastain opposed.

Changes to be made are:

Technical Standards for Property Surveys
Chapter 180-7

180-7-.01 Preamble
180-7-.02 Land Titles and Locations
180-7-.03 Measurements – Horizontal
180-7-.04 Measurements – Vertical
180-7-.05 Monuments
180-7-.06 Coordinates and Triangulation
180-7-.07 Maps and Plats
180-7-.08 Violations

180-7-.01 Preamble. Amended.

In order to assure the public that proper and adequate surveys, maps, plats and writings are executed in connection with property, for whatever purpose, Technical Standards are hereby established. These standards establish the minimum degrees of accuracy, completeness and/or quality in the several areas of concern in order to be considered acceptable. Authority O.C.G.A. 43-15.

180-7-.02 Definitions. Amended.

The board adopts those definitions listed in the latest edition of the American Congress on Surveying and Mapping book " Definitions of Surveying and Associated Terms."

180-7-.~~02~~ 03 Land Titles and Location. Amended.

(1) (a) Every parcel of land whose boundaries are surveyed by a ~~licensed~~ land surveyor should be made conformable with the recorded title boundaries of such land. The land surveyor prior to making such a survey, shall acquire ~~all necessary~~ the following prerequisite data, including deeds, maps, plats, certificates of title, centerline data, right of way data, adjacent descriptions, and other boundary line locations in the vicinity as necessary or available. ~~He~~ The land surveyor shall compare and analyze all of the data obtained and make most nearly correct legal determination possible of the position of the boundaries of such parcel. ~~He~~ The land surveyor shall make a field survey traversing and connecting all available monuments appropriate or necessary for the location, and coordinate the facts of such survey with the pre-determined analysis. Not until then shall the monuments marking the corners or such parcel be set, and such monuments shall be set in accordance with the full and most satisfactory analysis obtainable. It shall be the responsibility of the land surveyor to evaluate conformity with adjacent tracts for overlaps and gores and to report the same on all maps, plats, and reports.

(b) In the event that the land surveyor determines that it is not possible to make the survey of a parcel of land conformable with the record title of such land or that it is not possible to coordinate the predetermined analysis with the field survey, the land surveyor shall explain the reason for his determination and shall denote in indisputable language, the source and reasons for the corners, lines and areas as shown on the plat. Such reasons may include, but are not limited to, the following:

Disputed property lines or areas; possession lines; acquiescence; adverse possession; unrecorded deeds; proposed purchases (new parcels); dubious and nebulous deed descriptions; and any adverse claim.

This paragraph shall not be construed in any way to allow the land surveyor to evade his/her responsibilities under the law.

(2) Any description written for conveyance or other purpose, defining land boundaries, shall be complete and accurate from a title standpoint, providing definite and unequivocal identification of the lines or boundaries, and definite recitals as to use or rights to be created through such descriptions. A description shall include the general location of the tract or lot with sufficient accuracy such that the tract can be readily located on the ground. The land lot, district, section, militia district number (in Headright Grant areas), city (if known to be within the city limits) and county shall be called out in said description. Description shall start at a point of commencement and/or a point of beginning that can be readily re-established. The description shall include the names of adjoining subdivision and/or property owners on all lines, as can be determined at the time of commencement of the survey through public records such as the county tax assessor and/or clerk of court records. (A title search is not required for this.) A metes and bounds description shall describe all courses in logical sequence around a tract or lot in a clockwise direction such that the ending point is the beginning poin;, the exception to this would be a description for a linear easement. The monument at each corner shall be described. All lines adjacent to streets, roads, or other rights-of-way shall be referenced to these and all pertinent distances and curve data shall be listed (arc length, chord length, chord bearing and radius) in addition to the parcel's area. All descriptions, being a form of report, shall bear the land surveyor's name, address, seal and signature. ~~Any form of descriptions, regardless of presence or absence of any or all dimensions, but specifically tying to adjoiners, which fulfills the foregoing conditions, is acceptable. However, such description, insofar as possible ,in addition to all necessary ties to adjoiners, should contain sufficient data of dimension, determined from accurate field survey, to enable the description to be completely platted. It is also advisable wherever correct surveys have determined the coordinate values of boundary corners or monuments recited in a description, to make proper reference thereto in the description by any appropriate recital.~~

~~(3) Any surveys made for purposes other than location of land boundaries need only the ordinary information and date necessary to fix the situs of the work to be done, by one or more ties to some known and accepted title boundary line or corner, together with such~~

~~other data as may be required to the project into adjoining matters appurtenant.~~

180-7-.~~03~~ 04 Measurements-Horizontal. Amended.

Measurements shall be made with instruments capable of attaining the required accuracy for the particular problem involved. Angles and distances shall be measured to obtain an accuracy of not less than 1:10,000 in urban or suburban areas and 1:5,000 in rural areas except as follows:

(a) The allowable positional tolerance of property corners with respect to each other

within a given survey may not be greater than:
1. ~~0.02~~ 0.1 foot in urban blocks wherein buildings can be erected along the property line, or where high land values so warrant;
2. ~~0.04~~ 0.25 foot in ~~urban or~~ suburban subdivisions interior blocks and/or ~~urban and~~ suburban lots or parcels;
3. ~~1 foot per 5,000 feet of perimeter~~ 0.50 in rural areas, except as follows:
(i) Closer tolerance is required where land value in rural areas is increased by adjacency to major highway intersections or thruway complexes, building congestion, oil or mineral rights or any other reason;
(ii) When a parcel of land is extremely long or narrow, closer tolerance is required on the shorter narrow dimensions to qualify acceptable corner positioning in relation to the narrow width;
~~(iii) Where surveys are made in areas of current or known low economic value, an error of closure of not less than 1:2,500 may be accepted;~~
~~(iv)~~ (iii) Where original surveys in rural areas were made with a compass, retracement may be made by compass in order to "follow the footsteps" of the original surveyor. However, such retracement also must be reduced to a non-magnetic traverse so that the error of closure as specified above is obtained. Authority O.C.G.A. 43-15-1.

180-7-~~.04~~ .05 Measurements-Vertical. Amended.

(1) A circuit of levels between precise bench marks or a circuit closed upon the initial bench mark shall not differ more than 0.02 foot multiplied by the square root of the number of miles in the circuit, and in no case to exceed 0.05 foot.
(2) Levels run for control to topographic mapping of a site or project shall have an error of closure of not less than 0.1 foot per square root of the number of miles.
(3) Topographic maps and plats, delineated either by contours or by points with indicated elevation, shall be of such accuracy that no more than 10% of the area covered shall be in error by more than one half (1/2)of the contour interval shown. This degree of accuracy applied to maps and plats prepared from field work ~~only~~ and those compiled by photogrammetric techniques. Authority 43-15-1.

180-7-~~.05~~ .06 Monuments. Amended.

(1) ~~The type and position of monuments to be set on any survey shall be determined by the nature of the survey, the permanency required, the nature of the terrain, the cadastral features involved, and the availability of material~~. In order to prevent boundary conflicts, the public must have assurances that the corners of real property boundaries as determined from an accurate survey are durably marked with survey monuments that may be identified on the ground with the aid of the survey plat. In meeting this objective, surveyors must meet the following minimum standards of accuracy, completeness and quality.
(2) ~~Monuments set in an inhabited area with improved streets, buildings, and other more or less permanent topographical features, shall be such as will remain for the life of such features and may be set in contact with or alongside of such semi-permanent structures with reasonable security. Monuments set in open country where their maintenance is to be continued for long periods shall be of a material such as concrete, rock, or metal, of sufficient size that they will not be readily removable and will be easily discoverable; and witness monuments of ready visibility shall be placed alongside nearby, if necessary.~~ The land surveyor shall set monuments as defined herein, unless monuments already exist or cannot be set due to physical obstructions. Said monuments shall be set at all boundary corners. Those monuments that cannot be set due to physical obstructions shall have a reference monument set. Said reference monument shall be referenced on the plat by bearing and distance from the true position of said monument. Also, said reference monument shall be set far enough away from the true corner so as not to be confused with the position of the true corner.
(3) ~~Except in the case of original surveys, in which monuments are to be referred to in the record, permanent monuments shall not immediately be placed on lines or in positions where their destruction is more or less immediate by reason of construction; but semi-permanent monuments, such as stakes, pipes, or other material, shall be set in protected spots at definitely known distances from the true corners for purpose of location of such corners after construction is completed. The surveyor shall make a definite commitment of record, that he/she will correctly set such true corners as soon as their permanence in position can be assured.~~ All monuments set shall be composed of a durable material and shall incorporate a ferrous material to aid in location by

magnetic locators. Said monuments shall have a minimum length of 18 inches. Longer monuments are required in soils less likely to hold and maintain the true position of the monument. Said monuments composed of solid metal rods shall have a minimum cross sectional area of 0.2 square inches. Concrete, composite or stone monuments shall have a minimum dimension of 3 inches by 3 inches. Monuments placed at land lot corners, district corners or county corners shall if a rod have a minimum diameter of 5/8 inches, a pipe of 1 inch diameter or a concrete or stone monument of not less than 4 inches square.

~~(4) In the layout of new subdivisions (field work initiated after the effective date of these rules) permanent type control monuments will be set in as protected locations as practical, as follows:~~

~~(a) At least two monuments for the first ten acres and at least one additional monument for each additional ten acres or major fraction thereof. Monuments shall be intervisible at the time of installation, with consideration being given to the structures to be erected which will permit continued intervisibility in the original layout of the subdivision. All control monuments shall be located and tied together by traverse, with a positional tolerance of not less than 1:10,000.Control monuments may be coincident with the land lot, block or lot corners. They will be shown on the subdivision plat, with bearings and distances between monuments and sufficient ties to permit relocation of any lot or block corners within the subdivision.~~

(4) Every boundary monument set shall be identified with a durable marker or cap bearing the Georgia registration number of the land surveyor in responsible charge or the name of the business entity and/or Certification of Authorization number. (COA #).

(5) If a boundary corner falls in a hard surface such as concrete or asphalt; alternate monumentation may be used that is durable and identifiable.

(6) For irregular boundaries such as non-engineered roads, rivers, streams, lakes, beach, etc. a dimensioned meander or survey line may be used. If a meander or survey line is used, monuments shall be set at the meander or survey line's terminus points on real property boundary lines.

(7) All monuments found or placed shall be described on the survey plat. The corner descriptions shall state the size, material and cap identification of the monument as well as whether the monument was set or found. Authority O.C.G.A. 43-15-1.

180-7-~~.06~~ .07 Coordinates and Triangulation. Amended.

(1) The use of ~~the coordinate survey of the National Geodetic Survey and the U.S. Geological Survey~~ state plane coordinates may be incorporated in any land survey.

(2) ~~The establishment of secondary triangulation systems tied in and properly related to such coordinate systems may be incorporated with any land survey.~~ State plane coordinates used and shown on surveys shall meet the requirements of O.C.G.A. Sections 44-4-1 through 44-4-31. Authority 43-15-1.

(3) ~~Wherever available, within reasonable distances, every land survey is to be connected with two or more monuments of the main or secondary triangulation system; and the maps of such survey shall show the correct verified coordinates of such monuments and of at least two of the monumented corners of such survey, at the option of the client.~~

180-7-~~.07~~ .08 Maps and Plats. Amended.

~~(1)~~ All maps, plats and similar documents shall conform to the following minimum standards and specifications:

(a) Material.

1. Any such surveys, maps, or plats shall be clearly legible.

2. The minimum line widths and letters or character heights delineated on such maps or plats shall be as follows:

(i) Maps or plats drawn on 81/2 inch by 11 inch or 81/2 inch by 14 inch tracings shall have a minimum line width of 0.010 inches and a minimum letter or character height of 0.080 inches;

(ii) Maps or plats drawn on 11 inch by 17 inch tracings shall have a minimum line width of 0.010 inches and a minimum letter or character height of 0.080 inches; or

(iii) Maps or plats drawn on 17 inch by 22 inch or 24 inch by 36 inch tracings shall have a minimum line width of 0.013 inches and a minimum letter or character height of 0.080 inches.

(b) Caption. The maps or plats shall have a title or name, which shall be contained in the caption, and the caption shall also provide the following information:

1. The name of the current owner of the property or the entity who authorized the survey;
2. The county, city, town or village, land district and land lot, and subdivision, if the property line lies within a particular subdivision;
3. The date of plat preparation;
4. The date(s) of field survey;
5. The scale, stated and shown graphically;
6. The name, address, telephone number, and registration number of the registered land surveyor or the statement that he is the county surveyor and is not required by law to be a registered surveyor; and
7. All reproductions of original maps or plats shall bear the original signature, in black ink, of the registrant placed across the registration seal, in order to be a valid or recordable map or plat.
(c) Size. Maps and plats shall not be less than 81/2 inches by 11 inches and not larger than can be recorded in the county of record without folding. In counties using microfilming procedures, when a map or plat is filed for record, the original drawing, which shall not be larger than 24 inches by 36 inches, shall be submitted to the clerk for microfilming and a legible copy, which shall not be larger than 17 inches by 22 inches, shall be filed for record; provided, however, that a full-size positive copy of the original may be tendered and used for microfilming. The clerk shall enter the filing date, plat book number, and page number on the original drawing and return the original drawing to the land surveyor or the person filing the same for record.
(d) Data. All maps or plats shall be made in a professional manner and in accordance with the standards of good drafting procedures and shall show the following information; as specified:
1. The direction and distance from a point of reference to a point on the boundary of the individual survey, and such additional data as may be required to relocate the boundary point from the point of reference with the same degree of accuracy required of the parcel surveyed. The point of reference shall be established, monumented position which can be identified or relocated from maps, plats or other documents on public record;
2. Bearings of all lines or angles at all corners and angle points of the boundary or lot lines, and distances of all boundary or lot lines, and area of the parcels expressed in acres or square feet;
3. The closure precision of the field survey as the ratio of one foot to the traversed distance in which an error of one foot would occur and a statement as to the method of adjustment. The closure may be stated as follows:
"The field data upon which this map or plat is based has a closure precision of one foot in ____ feet, and an angular error of ____ per angle point, and was adjusted using rule ";
4. The closure precision of the data shown on the map or plat. The closure may be stated as follows:
"This map or plat has been calculated for closure and is found to be accurate within one foot in ____ feet ";
5. The width and the former widths, if pertinent, of all rights-of way adjacent to or crossing the property or adjacent to any point of reference;
6. All easements and apparent encroachments, if pertinent;
7. In the case of curved lines, the curve shall be defined by curve data to include the radius, arc length, chord bearing, and distance of regular curves. Chord distances and directions shall be given for irregular curves;
8. All land lot lines, land district lines, land section lines, and city, county, and state boundaries intersecting or adjacent to the surveyed property indicated by lines drawn upon the map or plat with appropriate words and figures;
9. All corner markers and markers of pertinent reference points fully described and indicated as to the material or types, whether set or found;
10. An arrow to indicate the principal meridian and a notation as to the reference of bearings to magnetic north, astronomic north, or grid north. A grid north reference shall indicate the zone;
11. All linear distances shown on maps or plats shall be horizontal;
12. All angular directions shall be represented in degrees and minutes. Where plats state or surveys require accuracy in excess of 1 in 5000, the angular directions shall be represented in degrees, minutes, and seconds. All angular directions shall be referenced to the principal meridian;
13. A statement to indicate the type of equipment used to obtain the linear and angular measurements used in the preparation of the map or plat;

14. ~~The state plane coordinates of at least two permanent monuments thereon, when a National Geodetic Survey monument is within 500 feet of any point on the property mapped or platted, or any point of reference shown thereon;~~ The names of adjacent property owners on all lines, as can be determined at the time of commencement of the survey through public records such as the county tax assessor and/or clerk of court records. (A title search is not required for this.)
15. All water boundaries shown in sufficient detail to clearly identify the survey tract and the adjoining tract;
16. The character of any and all evidence of possession clearly stated, and the location of such evidence carefully given in relation to the surveyed boundary lines, including all apparent easements and right-of-way; and
17. Any features within or along the boundary located as requested by the client, or in conformity with the rules or requirements of any mortgagor or insurer, provided the technical standards of such rules or requirements are not less than those provided for by this chapter.
~~(2) If the plat meets the requirements of Rule 180-7-.07, it shall be the duty of the clerk of the superior court to file and record such map or plat or blueprint, tracing, photostatic copy, or other copy of a map or plat.~~

180-7-~~.08~~ .09 Violations. Amended.

The Board may initiate action in cases where a person's actions are in violation of the law beyond reasonable doubt.

Mr. Richardson further moved that the formulation and adoption of Board Rules 180-7 -.01, 180-7-.02, 180-7-.03, 180-7-.04, 180-7-.05, 180-7-.06, 180-7-.07, 180-7-.08 and 180-7-.09 does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-15-4(a) (Adoption of rules and regulations), O.C.G.A. § 43-15-6(a) (General Powers of the Board), O.C.G.A. § 43-15-8 (Engineer-in-training certificate; eligibility), O.C.G.A. § 43-15-9 (Professional engineer certificate of registration; eligibility), O.C.G.A. § 43-15-10 (Evaluation of engineering experience), O.C.G.A § 43-15-11 (Professional Engineers exam), O.C.G.A. § 43-15-12 (Land Surveyor-In-Training Certificate; eligibility), O.C.G. A. § 43-15-13 (Land Surveyor Certification of Registration; eligibility), and O.C.G.A. § 43-15-15 (Applications for certificates) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the fields of engineering and land surveying. Mr. Dean seconded. Motion carried.

Ms. Willmer commended Mr. Chastain and Mr. Butler of the Board for their hard work on the Minimum Technical Standards; and also Mr. Armstrong and Mr. Purcell on behalf of SAMSOG, for their committee work conducted to recommend updates to the Minimum Technical Standards to the Board for review.

Foreign Education Provider Review:

Mr. Dean reported that he has reviewed information provided from Association of International Credential Evaluators (AICE) from Beverly Hills, CA and Academic Evaluation Services, Inc. from Tampa, FL, and also spoke to representatives for each of them on the phone. He found that both firms only translate and check whether or not courses are taken and not whether the course is valid for engineering curriculum. Mr. Dean

recommends that the Board primarily use CPEES for foreign evaluations and to invite them to give a presentation to the Board. Mr. Dean will also look into Foreign Credentials of America (FCSA), AACRAO and CPEES before he makes a final recommendation regarding foreign education providers.

Executive Session:

At 1:00 pm Mr. Ritter moved for the Board to enter into Executive Session to deliberate on applications and enforcement matters and to receive information on complaints and investigative reports. Mr. Richardson seconded. Motion carried.

The following Board members were present during Executive Session – Chairperson Willmer, Mr. Chastain, Mr. Dean, Mr. Butler, Mr. Richardson and Mr. Ritter.

Reconvened Open Session at 4:00 pm with the following Board members present – Chairperson Willmer, Mr. Chastain, Mr. Dean, Mr. Butler, Mr. Richardson and Mr. Ritter.

Investigations and Complaints:

Mr. Chastain moved to adopt the summary of cases discussed in Executive Session. Mr. Richardson seconded. Motion carried.

Cases presented and recommendations were as follows:

Accept a signed Voluntary Cease and Desist Order from Joel Anthony Digby for practicing beyond his scope of authority and expertise in the practice of architecture and therefore, practicing engineering without a license.

PELS989900062 – This case involved allegations of unlicensed practice of land surveying - close the case with no violations found.

PELS030003 – This case involved allegations of theft by deception, forgery and practicing engineering without a license. He was convicted in criminal court of the misdemeanor count of practicing engineering without a license and paid a $1000 fine - close the case as resolved.

PELS060046 – This case involved allegations of unlicensed practice of engineering through a firm - close the case with no violations found.

PELS040015 – This case involved unlicensed practice of engineering - close the case as this respondent cannot be found in order to issue a Cease and Desist Order.

PELS040050 – This case involved unlicensed practice of engineering by a firm using the word "Engineering" in the name of the firm. Mr. Richardson will meet with the respondent and if he negotiates a name change for the firm, then close the case as resolved.

PELS070020 – This case involved unprofessional conduct and substandard practice of a Professional Engineer - issue a Letter of Concern regarding keeping better documentation in the office and signing and sealing of documents.

PELS040034 – This case involved a Professional Engineer with allegations of assisting unlicensed practice - issue a Letter of Concern.

PELS060017 – This case involved a Land Surveyor with allegations of substandard work - close the case with no violations found.

PELS060078 – This case involved a Land Surveyor with allegations of substandard work - close the case with no violations found.

PELS060026 – This case involved a Land Surveyor with allegations of substandard work - close the case with no violations found.

PELS060024 – This case involved a Land Surveyor with allegations of violation of the Plat Act (plat not signed.) - close the case with no violations found of the licensee and send a Letter of Concern to the County Clerk of Superior Court reminding him/her of the Plat Act.

PELS070006 – This case involved a Land Surveyor with allegations of substandard work - close the case as a civil matter.

PELS060074 – This case involved a Land Surveyor with allegations of practicing on an expired license - issue a Letter of Concern.

PELS050120 – This case involved a Land Surveyor with allegations of unethical practice - close this case as a civil matter.

PELS060018 – This case involved a Land Surveyor with allegations of unethical practice - close this case as a civil matter.

PELS060070 – This case involved a Land Surveyor with allegations of unprofessional conduct - close this case with no violations found.

PELS040045 – This case involved a Land Surveyor with allegations of substandard work - close the case with no violations found.

PELS060068 – This case involved allegations of unlicensed practice of engineering - close the case as resolved.

PELS060069 – This case involved a land surveyor with a lapsed license - close the case and reopen it if he tries to renew.

PELS050070 – This case appears to be a boundary dispute. The Respondent did not appear to use the necessary standard of care when preparing the plat. A Letter of Concern to the Respondent and letter explaining that any boundary dispute must be addressed in civil court.

PELS060039 – This case involved an allegation of unlicensed practice of engineering. The respondent has a company that manufactures underpinnings for mobile homes in Texas and lives in New Mexico. Close and refer to Texas Board.

PELS060022 –This case appears to be a boundary dispute. Trespassing is an issue for the local Law Enforcement. Request investigations to get a statement from the two surveyors involved.

PELS 050116 – This case involved a Land Surveyor who did construction staking for a developer and did not take into consideration applicable setback, costing the developer $20,000.00. Letter of Concern to the Surveyor for not meeting the standard of care. Letter to the complainant that civil remedies should be explored. Close the case.

PELS060033 - This case involved a professional engineer who has been convicted of soliciting a minor over the internet. The respondent's license has lapsed and he no longer lives in Georgia. Recommend close the case and flag if he tries to renew it.

PELS060037 – This case involved a Professional Engineer who put his seal on a survey in Cobb County. Recommend Cease and Desist order for practicing surveying without a license.

PELS060044 – This case was resolved earlier with another case. Close.

PELS060048 – This case involves an unlicensed person who offered land surveying field services by email. The yellow pages list no such company and the telephone number given is a cell number in the Birmingham, Alabama area. Close and refer to the Alabama Board.

PELS060047 – This case involves a California licensed engineer who lives in the San Diego area. This person provided a structural analysis for another person of middle eastern descent in Georgia. Close case and refer to the California board.

PELS060053 – This case involved a Land Surveyor with a valid Certificate of Authorization who trespassed on adjacent property. Trespassing is issue for local law enforcement. Close with no action.

PELS060055 – This case involved allegations of a Georgia city that does not have a city engineer nor does it have anyone calling themselves an engineer. Close with no action.

PELS060071 –This case involved allegations of unlicensed practice by an engineering company. The company has a valid COA for surveying and a surveyor on staff. Close with no action

PELS070009 – The case involved a land surveying company that had a Certificate of Authorization. The Board received a complaint that the respondent was working for another company. We received information from the respondent that he had closed his company and was no longer working for himself. Close as resolved.

PELS070023 – This case involved a surveyor who cut down 6 trees on a neighboring property. Close with no action.

PELS070029 – This case involved a request to the Board to have a survey expunged from the record. Close this case and send a letter to the complainant explaining that the Board does not have authority to expunge surveys, only the courts can do this.

PELS070027 - This case involved a surveyor informing the Board that plats had been forged using a forgery of his seal and company logo. Close case.

PELS070036 – This case involved an engineering company that cancelled their Certificate of Authorization to become an architect company. They are listed in the yellow Pages under Architects. Close.

PELS070010 – This case involved a drilling company advertising engineering. They have taken any reference to engineering off their website. Ms. Willmer recommended closing.

PELS070040 – This case involved a surveyor company accused of working without a licensee. The investigator found the licensee at the place of business and took a statement that he works there 60-75 hours per week. Send Certificate of Authorization letter to the company and close when they comply.

PELS070001 – This case involved allegations of a firm offering engineering services in Georgia. Mr. Chastain moved to close with no violations found. Mr. Richardson seconded. Motion carried.

New Business:

Board Rule 180-12-.02 – Amendment:

Mr. Ritter discussed electronic signatures on transmitted documents. Following general discussion, the Board's consensus was to stay with what is written as Board rule now and was adopted earlier in the meeting.

Complaint Process Summary:

Mr. Ritter discussed an article that he wrote regarding the Complaint Procedures, Board Rules and Board Policies as they impact the complaint process. The article will be forwarded to *The Georgia Engineer Magazine*. The article should appear in a future edition of the publication.

Japanese PE/FE Examiners Council (JPEC):

Mr. Mickler reported that two separate groups of representatives from the Japanese PE/FE Examiners Council (JPEC) visited him to discuss the possibility of Georgia accepting comity registrants from Japan who meet the licensure requirements. Japan has been offering the FE exam in English for about 9 years. They will begin to offer the PE exam in Japan and currently have been offering it through Oregon.

Letters of Request for Waiver of Late Renewal Fee:

Mr. Mickler reported that the Board has received letters from several licensees asking for a waiver of the late fee for renewal. Mr. Dean moved to deny all of the current requests and further to deny any future waiver requests for this renewal period. Mr. Ritter seconded. Motion carried.

LS Coursework:

Mr. Chastain moved to amend the Land Surveying Coursework Acceptance Policy to add ENGR 2506 (Drainage and Erosion Control) from Middle Georgia College curriculum. Mr. Richardson seconded. Motion carried.

Complaint Summary:

Mr. Mickler reported that at the beginning of this meeting today, there were 123 open cases, with the oldest cases being from 2003. After closing the cases as recommended today, the total will be less than 90.

Reinstatements:

Mr. Richardson moved to reinstate the following:

John Templeton, PE017760
Morgan McRae, PE021059
Clifton B. Thompson, PE012341
Kenneth Theisen, PE017381
Ali Najafi, PE025619

Mr. Ritter seconded. Motion carried.

Board Memo Comity Model Law Applicants:

Applicants for registration as Professional Engineers by comity, who have an ABET engineering degree, who have taken and passed an 8-hour fundamentals of engineering (EIT/FE) exam, who have a minimum of 48 months post graduation engineering experience as determined by a staff evaluation using the present Board guidelines, who have taken and passed an 8-hour principles and practice of engineering exam (PE Exam-taken at least 4 years after BS degree), and who comply in every way with the provisions of the appropriate law are as follows:

31937 Dixon, Kenneth L.
31938 Ferguson, Jeffrey D.
31939 Galloway, Patricia D.
31940 Giever, Paul M.
31941 Kucharski, Joel
31942 Henager, Christa M.
31943 Mulder, Josh L.
31944 Plourde, Patrick M.
31945 Shick, Jack E. Jr.
31946 Whillock, Jeffrey R.
31947 Higbe, Shawn M.
31948 Joseph, Patrick L.
31949 Roy, Robert W.
31950 Deaver, Daniel W.
31951 Graham, David C.
31952 Kipling, Jonathan M.
31953 McCoy, Kevin L.
31954 Neelis, Jack H. II
31955 Shostak, Kelen K.
31956 Aiello, Robert
31957 Abel, Dennis D..
31958 Loucks, Richard B.
31959 Nelson, William C.
31960 Slyter, Andrew D.
31961 Finch, Travis R.
31962 Luethje, Richard M.
31963 Mulhern, Michael
31964 Okuda, Shuji
31965 Speer, Gregory C.
31966 Timmons, Brian J.
31967 Lovell, Kenneth W.
31968 Minor, Jim W.
31969 Wilson, Scott L.
31970 DeShazo, Jason E.
31971 Nelson, Peter E.
31972 Belk, Edwin D.
31973 Dietz, Cameron W.
31974 Rodak, Andrew M.
31975 Kowalski, Joseph W.
31976 Doyle, Thomas M.
31977 Smith, Robert C.
31978 Rushing, William P.
31979 Morley, Mark A.
31980 George, David M.
31981 Frechette, Roger E. III
31982 Cartier, Kyle J.
31983 Lewis, Kent A.
31984 Taylor, John D.
31985 Waddell, James F. III
31986 Walsh, John E.
31987 Hembree, Jack S.
31988 Stewart, Glen W.
31989 Strickler, Robert M.
31990 Tarr, Scott M.
31991 Fettes, Christopher W.
31992 Lovingood, Robert W.
31993 Overbay, Adam d.
31994 Smith, Kenneth E.
31995 Stoddard, William P.
31996 Strecker, Steve J.
31997 Panthayi, Harikrishnan
31998 Risa, Kristen
32001 Copeland, Tommy J.
32002 Garrido, Carmelo A.
32003 Jackson, T. Kim
32004 Johnson, Richard W.
32005 Rikhiraj, Sadhu S.
32006 Styer, Rocky K.
32007 Ware, Richard A.

Motion was made by Mr. Dean to approve these applicants for PE registration by comity @ 43-15-16(a), via 43-15-8(1) and 43-15-9(1). The motion was seconded by Mr. Richardson. The motion carried.

Regular Applicants for Certification as Engineers-In-Training by Exam:

Applicants for certification as Engineers-in-Training by examination whose degrees were earned in engineering or engineering technology programs which attained ABET/CAB accreditation within two years of their having received their degrees, who have filed with the Board five acceptable references, who have had no convictions for moral turpitude or substantive reasons, and who comply in every way with the provisions of the appropriate law(s), are as follows:

Busato, Claudia Elena
Edjua, Ebai P.
Gordon, Christopher Scott
Martin, Tawan C.
McEvoy, Dan Robert
Pulido, Daniel Eduardo
Roke, Michael Alan
Saedirad, Mahsa
Sudderth, Daniel Craig
Thorsteinson, Graham M.

Motion was made by Mr. Richardson to approve these applicants for EIT certification @ 43-15-8(1) or 43-15-8(2). The motion was seconded by Mr. Dean. The motion carried.

Senior Applicants for certification as Engineers-in-Training by examination:

Applicants for certification as Engineers-in-Training by examination who are currently enrolled as seniors in ABET approved programs in schools, colleges or universities in Georgia, who have filed with the Board five acceptable references, who have had no convictions for moral turpitude or other substantive reasons, and in every way comply with the provisions of the appropriate law(s) are as follows:

Georgia Institute of Technology

Branch, Eric Kenneth	Hensley, II, Joseph Craig	Macky, Jared Dustin
Warr, Geoffrey Kyle		

Georgia Southern University

Gavins, Jr., Marvin	Lawson, Samantha Jo	Reed, Wesley Sloan
Smith, Winfred Orlando		

Southern Polytechnic State University

McElroy, Scott Michael

Motion was made by Mr. Richardson to approve these applicants for EIT examination @ 43-15-8(1) or 43-15-8(2). The motion was seconded by Mr. Dean. The motion carried.

There being no further business, at 4:34 pm, Mr. Richardson moved to adjourn. Mr. Chastain seconded. Motion carried. Some Board members remained to review applications until they were finished.

_____ _____

Board Chairman Executive Director

10Apr07.doc

These minutes were approved at the May 15, 2007 meeting.